

1 MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
2 ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzalez@mofo.com
3 ERIC A. TATE (CA SBN 178719)
ETate@mofo.com
4 RUDY Y. KIM (CA SBN 199426)
RKim@mofo.com
5 MORRISON & FOERSTER LLP
425 Market Street
6 San Francisco, California 94105-2482
Telephone: 415.268.7000
7 Facsimile: 415.268.7522

8 KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsflp.com
9 HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsflp.com
10 BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
11 Washington DC 20005
Telephone: 202.237.2727
12 Facsimile: 202.237.6131

13 Attorneys for Defendants
UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
22 OTTOMOTTO LLC; OTTO TRUCKING LLC,
23 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
ITS MOTION TO COMPEL
FURTHER 30(B)(6) TESTIMONY
FROM UBER (DKT. 1352)**

Trial Date: October 10, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
3 declaration based upon matters within my own personal knowledge and if called as a witness, I
4 could and would competently testify to the matters set forth herein. I make this declaration in
5 support of Plaintiff's Administrative Motion to File Under Seal Its Motion to Compel Further
6 30(B)(6) Testimony from Uber (Dkt. 1352).

7 2. I have reviewed the following documents and confirmed that only the portions
8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Motion to Compel Further 30(B)(6) Testimony from Uber ("Waymo's Motion")	Red-outlined boxes
Exhibit B to Waymo's Motion	Red-outlined boxes
Exhibit C to Waymo's Motion	Blue Highlights

15 3. The red-outlined boxes of Waymo's Motion and Exhibit B contain highly
16 confidential information regarding the development timeline of Uber's LiDAR sensors, the
17 commercialization timeline of Uber's self-driving car program, and internal strategic choices of
18 Uber's management team. This highly confidential information is not publicly known, and its
19 confidentiality is strictly maintained. I understand that disclosure of this information would allow
20 Uber's competitors to acquire detailed knowledge into the development timeline of Uber's
21 LiDAR sensors, the commercialization timeline of Uber's self-driving car program, and Uber's
22 overall company strategy to compete in this market. Competitors could utilize this knowledge to
23 adjust their own market strategy such that Uber's competitive standing could be harmed.

24 4. In addition, some of the red-outlined boxes in Waymo's Motion and Exhibit B
25 refer to highly confidential internal financial documents Uber has produced in this litigation,
26 including project terms and projected figures. This highly confidential information is not publicly
27 known and its confidentiality is strictly maintained. Competitors could use this information to
28

1 gain an understanding of Uber's current financial and projected financial situation, and use this
2 information to harm Uber's competitive standing.

3 5. In addition, some of the red-outlined boxes of Exhibit B contain highly
4 confidential information regarding Uber's third-party vendors for various elements of Uber's
5 LiDAR systems. Some of these vendors have Non-Disclosure Agreements with Uber. This
6 highly confidential information is not publicly known and its confidentiality is strictly
7 maintained. Defendants request this information be kept under seal to protect the confidentiality
8 of these business agreements with confidential vendors, and also to ensure that competitors do not
9 attempt to interfere with these vendor relationships. I understand that disclosure of this
10 information could harm Uber's competitive standing.

11 6. The blue-highlighted portions of Exhibit C contain highly confidential information
12 regarding the development timeline of Uber's LiDAR sensors and the market strategy of Uber's
13 self-driving car program. This highly confidential information is not publicly known, and its
14 confidentiality is strictly maintained. I understand that disclosure of this information would allow
15 Uber's competitors to acquire detailed knowledge into the development timeline of Uber's
16 LiDAR sensors and Uber's overall market strategy. Competitors could utilize this knowledge to
17 advance their own sensor technology or adjust their market strategy, such that Uber's competitive
18 standing could be significantly harmed.

19 7. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's
20 Motion and its supporting exhibits that merit sealing.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct. Executed this 28th day of August, 2017, in Washington, D.C.

23
24 /s/ Michelle Yang

25 Michelle Yang
26
27
28

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: August 28, 2017

/s/ Arturo J. González
Arturo J. González